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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,370

10/14/2005

Vasilios Orizaris

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EXAMINER

WILSON, KAITLIN A

ART UNIT

PAPER NUMBER

3609

MAIL DATE

DELIVERY MODE

05/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,370

Applicant(s)

ORIZARIS, VASILIOS

Examiner

Kaitlin A. Wilson

Art Unit

3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/08/2007.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 16-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 28 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/28/2005.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "3" has been used to designate both the "seat back support" and the "transverse traverse". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show that "the receptacle is made in the side flanks" as described in the specification. Figure 2, discloses the receptacles for receiving the connection element in the base of the transverse traverse not in the flanks. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: throughout the specification the applicant refers to both the "transverse traverse" and the "seat back support" using reference character 3. For the purpose of this examination, the examiner presumes that reference character 3 designates only the "transverse traverse".

Appropriate correction is required.

4. The disclosure is objected to because of the following informalities: page 2, paragraph 0030, "the head rest" is referenced as element 2. For the purpose of this examination, the examiner presumes that "the head rest" should read "the head support".

Appropriate correction is required.

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5. The disclosure is objected to because of the following informalities: page 13, paragraph 0030, reference character 9 has been used to reference both "an area" and "the impact plate". For the purpose of this examination, the examiner presumes that "9" references only "the impact plate".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

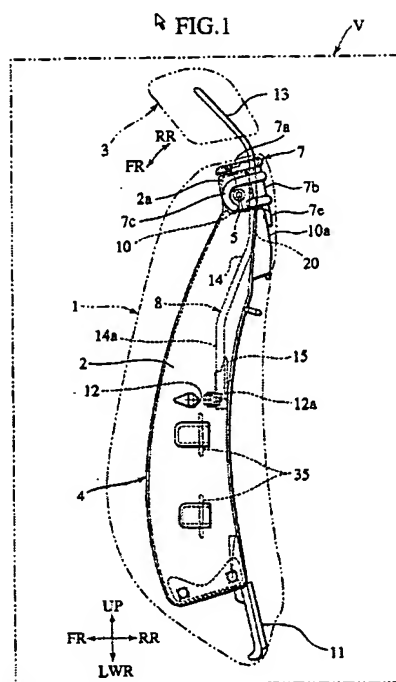
6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano (US Patent Application 2002/0050729 A1) in view of Cziptschirsch et al (US Patent 3,608,965).

8. In re Claim 16, with reference to figure 1, Nakano discloses a motor vehicle seat (V) comprising:

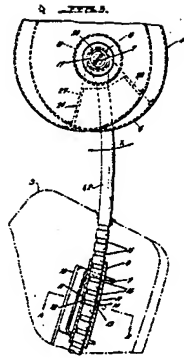
- a seat back (1) with a seat back support (4), and a head support (3) attached to the seat back support (4) by a connection element (13)
- a head support (3) wherein the head support (3) defines an impact plate on a side facing a vehicle passenger with a basically flat area (3, figure 1)



9. Nakano fails to disclose:

- wherein the impact plate is positioned so as to swivel around a horizontal swivel axis,
- wherein the swivel axis of the impact plate is positioned in the vicinity of a contact location of a head of the vehicle passenger on the head support

10. However, with reference to Figure 3, Cziptschirsch et al disclose that it is known in the art to allow for pivotal adjustment of the cushioned body relative to the support rods to select the most favorable resting surface (col. 1, lines 38-41). The axis of rotation would inherently be in the vicinity of the contact location of the head of the vehicle passenger.



11. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the headrest (4) of Cziptschirsch et al with the headrest (3) of Nakano, in order to provide the most favorable resting surface (col. 1, lines 38-41).

12. In re Claim 17, Cziptschirsch et al disclose that the swivel movement of the impact plate is limited (col. 1, lines 28-30). The head support (4) would inherently make, two-dimensional contact of the head on the head support (4) in the event of an accident due to the adjustable nature of the head support.

13. In re Claim 18, Cziptschirsch et al disclose that the connection element (1,2) is curved (col. 2, lines 28-30).

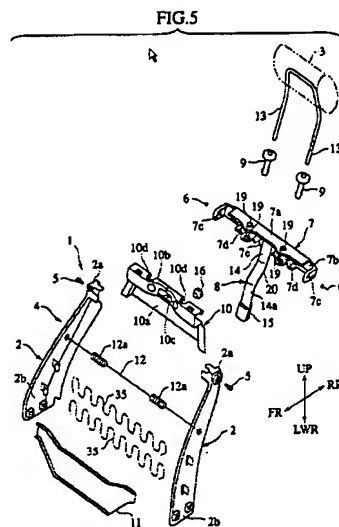
14. In re Claim 19, Nakano discloses that independent of the position of the seat back (1) as well as the head support (3), the head support (3) provides a support of the head (page 2, paragraph 0029), but fails to disclose information that pertains to the radius of the connection element (13) and the forward deployed position in relation to the upper body.

15. However, Cziptschirsch et al disclose that the radius of the connection element (1,2) and alignment of the connection element (1,2) relative to the seat back support (3)

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is selected so that, independent of the position of the seat back (3) as well as the head support (4), the head support (4) provides a support of the head in a forward deployed position in relation to the upper body (col. 1, lines 28-30).

16. In re Claim 20, with reference to Figure 5, Nakano discloses that the seat back support (1) has a transverse traverse (10) with a U-shaped profile (page 2, paragraph 22).



17. In re Claim 21, with reference to Figure 3, Nakano discloses wherein the U-shaped profile (page, paragraph 0022) has a base (10a) and two side flanks (10b' and 10b''), and wherein the base (10a) is longer than the side flanks (figure 3).

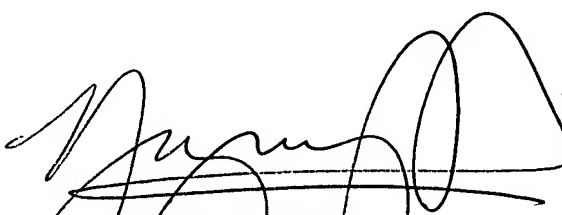
21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Heilig et al., US Patent 5,820,211 discloses a head support that swivels about a horizontal axis. Weber, US Patent 866,753 discloses a U-shaped bracket with receptacles to attachment of the head support connection element. Hayashi, US Patent 4,647,108 discloses a curved connector with the ability to rotate. Fujiyama et al. US Patent 4,515,406 discloses a flat curved linear strip member, which extends between the headrest and the main frame of the chair.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaitlin A. Wilson whose telephone number is (571)-270-3206. The examiner can normally be reached on Monday - Friday (7:00am-4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on (571)-272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Kaitlin A. Wilson


GEORGE B. NGUYEN
SUPERVISORY PATENT EXAMINER